

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ethan Waterman	Team: Squad #14	CCRB Case #: 202001970	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) NA, 01/___/2020	Location of Incident: § 87(2)(b)	Precinct: 110	18 Mo. SOL 7/1/2021	EO SOL 2/15/2022	
Date/Time CV Reported Fri, 02/28/2020 7:32 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 03/09/2020 9:15 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Nicholas Loccisano	16251	960816	PBQN SU
2. Officers			PBQN SU

Officer(s)	Allegation	Investigator Recommendation
A.POM Nicholas Loccisano	Abuse: Police Officer Nicholas Loccisano entered § 87(2)(b) in Queens.	§ 87(2)(g)
B.POM Nicholas Loccisano	Discourtesy: Police Officer Nicholas Loccisano spoke discourteously to § 87(2)(b)	§ 87(2)(g)
C.POM Nicholas Loccisano	Discourtesy: Police Officer Nicholas Loccisano spoke discourteously to § 87(2)(b)	§ 87(2)(g)
D.POM Nicholas Loccisano	Discourtesy: Police Officer Nicholas Loccisano spoke discourteously to § 87(2)(b)	§ 87(2)(g)
E. Officers	Abuse: Officers stopped § 87(2)(b)	§ 87(2)(g)
F. Officers	Abuse: Officers stopped § 87(2)(b)	§ 87(2)(g)
G. Officers	Abuse: Officers stopped § 87(2)(b)	§ 87(2)(g)
H. Officers	Abuse: Officers questioned § 87(2)(b)	§ 87(2)(g)
I. Officers	Force: Officers used physical force against § 87(2)(b)	§ 87(2)(g)
J. Officers	Abuse: Officers frisked § 87(2)(b)	§ 87(2)(g)
K. Officers	Abuse: Officers searched § 87(2)(b)	§ 87(2)(g)

Case Summary

On February 28, 2020, Sergeant Joseph Muller of the 110th Precinct Detective Squad filed this complaint with IAB on behalf of § 87(2)(b) who complained of this incident during a debriefing for an unrelated arrest. The CCRB received this case on March 9, 2020.

On an unknown date and time in late January or early February of 2020, § 87(2)(b) was inside his residence § 87(2)(b). With § 87(2)(b) was his cousin, § 87(2)(b), his friend, § 87(2)(b), his roommate, § 87(2)(b), and other unidentified individuals. § 87(2)(b) received a call from his brother, Police Officer Nicholas Loccisano of Patrol Borough Queens North. Over the phone, PO § 87(2)(b) told § 87(2)(b) that everyone needed to leave the apartment. PO § 87(2)(b) who was dressed in plainclothes, allegedly arrived at the incident location with two unidentified plainclothes officers. PO § 87(2)(b) allegedly entered the basement apartment and while doing so told § 87(2)(b) and § 87(2)(b) to “get the fuck out” of the apartment (Allegation A: Abuse of Authority – § 87(2)(g)) (Allegations B-D: Discourtesy – § 87(2)(g)). § 87(2)(b) and § 87(2)(b) then left the apartment, at which point the two unidentified plainclothes officers allegedly stopped them from leaving the building by blocking the stairwell from the basement apartment and said, “You’re not going nowhere.” (Allegations E-G: Abuse of Authority – § 87(2)(g)). Unidentified officers asked § 87(2)(b) “What do you have on you?” (Allegation H: Abuse of Authority – § 87(2)(g)). Then, the two unidentified plainclothes officers allegedly pushed § 87(2)(b) down the stairs (Allegation I: Force – § 87(2)(g)). The two unidentified plainclothes officers allegedly frisked § 87(2)(b) and searched through his pockets (Allegation J-K: Abuse of Authority – § 87(2)(g)). After several minutes, officers allowed § 87(2)(b) and § 87(2)(b) to leave.

No arrests or summonses resulted from this incident.

There is no video evidence in this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Nicholas Loccisano entered § 87(2)(b)

Allegation (B) Discourtesy: Police Officer Nicholas Loccisano spoke discourteously to § 87(2)(b)

Allegation (C) Discourtesy: Police Officer Nicholas Loccisano spoke discourteously to § 87(2)(b)

Allegation (D) Discourtesy: Police Officer Nicholas Loccisano spoke discourteously to § 87(2)(b)

The following facts are undisputed. During the timeframe of this incident, § 87(2)(b) was the owner and landlord of 102-15 Corona Avenue in Queens. § 87(2)(b) is § 87(2)(b)'s elder son. § 87(2)(b) lived at § 87(2)(b) in the basement apartment, and § 87(2)(b) is § 87(2)(b)'s younger son, § 87(2)(b). § 87(2)(b) said (BR 01) that he had lived in the basement apartment with § 87(2)(b) for approximately five months. On an evening in late January or early February 2020 – § 87(2)(b) was unable to recall the exact date or time more specifically – § 87(2)(b) was at the basement apartment with at least five other people, including § 87(2)(b) and § 87(2)(b). PO § 87(2)(b) allegedly called § 87(2)(b) on the telephone and said he was coming to the apartment. § 87(2)(b) told everyone in the apartment that PO § 87(2)(b) was en route to the apartment and everyone but § 87(2)(b) and § 87(2)(b) left the apartment. § 87(2)(b) and § 87(2)(b) began to walk out of the apartment when PO § 87(2)(b) allegedly came down the stairs to the basement apartment, yelled “Everybody get the fuck out!” twice and walked into the open door of the basement apartment.

§ 87(2)(b) (BR 02) said that he had lived in the basement apartment with § 87(2)(b) for approximately one month. § 87(2)(b) said that he had previously seen PO § 87(2)(b) but believed it was in a non-police capacity. § 87(2)(b) described that the incident occurred on an unknown night in February of 2020 prior to Valentine's Day. § 87(2)(b) was at the basement apartment with five other people, including § 87(2)(b) an individual known only as § 87(2)(b), and an additional unidentified individual. § 87(2)(b) said that, at the time, everyone helped clean the apartment. § 87(2)(b) learned that PO § 87(2)(b) was en route to the apartment but did not know why. While § 87(2)(b) and the unknown individual left the apartment, § 87(2)(b) and § 87(2)(b) stayed at the apartment. § 87(2)(b) and PO § 87(2)(b) who was dressed in plainclothes with a shield and utility belt, arrived at the basement apartment at the same time. PO § 87(2)(b) yelled "Get the fuck out" to § 87(2)(b) and § 87(2)(b) gathered his belongings and walked out of the apartment.

§ 87(2)(b) said (BR 03) that he had lived on and off in the basement apartment with § 87(2)(b) for approximately three to four months. On an unknown February night after Valentine's Day, § 87(2)(b) was at the basement apartment with § 87(2)(b) and three other unidentified individuals, playing Playstation 4 and hanging out. PO § 87(2)(b) called § 87(2)(b) and allegedly said, "§ 87(2)(b) get everybody the fuck out of the house, or I'm gonna come and kick everybody out myself." § 87(2)(b) showed up at the apartment, argued with § 87(2)(b) and told everyone else to leave the apartment. § 87(2)(b) left the apartment and walked towards the front of the building and out the front door. As he walked out the front door, § 87(2)(b) saw PO § 87(2)(b) and two additional unidentified officers pull up in an unmarked sedan and approach the building. § 87(2)(b) turned around and walked back to the basement apartment. PO § 87(2)(b) walked down the stairs to the basement apartment and allegedly yelled, "Get the fuck out! Don't fucking come back." PO § 87(2)(b) then approached the doorway of the apartment door and yelled at § 87(2)(b).

§ 87(2)(b) said (BR 04-05) that he lived in the basement apartment for approximately two years and owned the building. § 87(2)(b) said that § 87(2)(b) had also lived in the basement apartment for two years but did not pay rent or utilities. On a night in February 2020, § 87(2)(b) went to his basement apartment and discovered § 87(2)(b) along with his four friends, described as three men and a woman in their twenties, did not live in the apartment. The apartment smelled of marijuana. § 87(2)(b) asked the four people, who he did not know by name, to leave the apartment. When they refused, § 87(2)(b) called 911 and told the 911 operator that there were four people in the apartment who did not live there. Approximately 20 to 40 minutes later, a pair of uniformed officers came to the building and spoke with § 87(2)(b). The officers then asked the four people if they were residents in the building, and the four people said that they were not. The officers directed the four people to leave, and the four people did so. The officers never used any profanity during the incident and never went inside the apartment. § 87(2)(b)'s son, PO § 87(2)(b) did not respond to this incident.

§ 87(2)(b) was unavailable to the investigation (see IAs for contact attempts).

The investigation requested the SPIA (BR 06) for the incident location for a timeframe between January 15, 2020 and February 27, 2020, which returned four events corresponding to the basement apartment. The only EVENT which corresponded with the parameters described by § 87(2)(b) and § 87(2)(b) – nighttime in January or February 2020 – was listed for January 23, 2020 at approximately 12:50 a.m (BR 07). Per the EVENT documentation, § 87(2)(b) called 911 regarding two males wearing black hooded sweatshirts trying to break into the apartment. Per the EVENT unit information and the 110th Precinct roll call (BR 08), the investigation determined that Police Officer Glendon Gayle and Police Officer Itory Brown of the 110th Precinct responded to the location in regard.

PO Gayle testified (BR 09) that, in responding to this EVENT, he spoke with § 87(2)(b).

§ 87(2)(b) in front of § 87(2)(b) § 87(2)(b) told PO Gayle that he owned the building and that § 87(2)(b) lived in the basement apartment. Furthermore, § 87(2)(b) told PO Gayle that § 87(2)(b)'s friends had been in the basement apartment and that § 87(2)(b) did not want them there. § 87(2)(b) also said that § 87(2)(b)'s friends had already left the apartment. An individual, only known to PO Gayle as "§ 87(2)(b)" approached PO Gayle and told him the § 87(2)(b) had gone "berserk" and screamed at everyone in the basement. PO Gayle testified that he never went inside the basement apartment, never interacted with anyone other than § 87(2)(b) and § 87(2)(b), and never saw any officers present on the scene additional to himself and PO Brown.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: Officers stopped § 87(2)(b)

Allegation (F) Abuse of Authority: Officers stopped § 87(2)(b)

Allegation (G) Abuse of Authority: Officers stopped § 87(2)(b)

Allegation (H) Abuse of Authority: Officers questioned § 87(2)(b)

Allegation (I) Force: Officers used physical force against § 87(2)(b)

Allegation (J) Abuse of Authority: Officers frisked § 87(2)(b)

Allegation (K) Abuse of Authority: Officers searched § 87(2)(b)

§ 87(2)(b) said that, after PO Loccisano allegedly told everyone to "get the fuck out" and walked into the basement apartment, two additional plainclothes officers blocked the stairwell from the basement apartment to the rear yard. As such, § 87(2)(b) and § 87(2)(b) were blocked from leaving the building. § 87(2)(b) described the first officer as an Asian male with short black hair, of average height, average build, in his late 20s to early 30s, and dressed in plainclothes. § 87(2)(b) described the second officer as a Black male wearing a black New York Yankees hat, 6'1", 220 pounds, in his late 20s to early 30s, and dressed in plainclothes. These two officers allegedly stopped § 87(2)(b) on the stairwell and said, "Where are y'all going?" § 87(2)(b) responded to the officers: "What? We're leaving, we don't gotta stay here." The officers then blocked the stairwell and said, "You're not going nowhere." § 87(2)(b) tried to walk past the officers up the stairs; in response, the two officers allegedly grabbed § 87(2)(b) by the shoulders and pushed him back down the stairs, but he did not fall. After approximately four to five minutes, PO § 87(2)(b) exited the apartment with § 87(2)(b). At this point, the unidentified officers allowed § 87(2)(b) and the others to leave the apartment building.

§ 87(2)(b) said that, once he walked out of the basement apartment, he was stopped along with § 87(2)(b) and § 87(2)(b) by two plainclothes officers. § 87(2)(b) described the first officer as an Asian male, 5'9"-5'11", stocky build, in his late 20s to early 30s, wearing a hat, plainclothes, a vest, badge and utility belt. § 87(2)(b) described the second officer as a Black male with short black hair, 6'-6'2", thin but muscular build, in his 30s, wearing plainclothes, a vest, badge, and utility belt. These unidentified officers allegedly blocked the stairway to keep him, § 87(2)(b) and § 87(2)(b) from leaving. § 87(2)(b) who had walked out of the apartment holding a bag of his belongings, said that the two officers immediately patted him down and

searched his pockets. The unidentified officers did not allow § 87(2)(b) or the others to leave for approximately five to ten minutes, at which point § 87(2)(b) told the officers that they were free to go.

§ 87(2)(b) said that, once PO Loccisano ran into the apartment, two plainclothes officers stood at the top of the stairwell from the basement apartment and blocked himself and § 87(2)(b) from leaving the apartment building. § 87(2)(b) described the first officer as an Asian male, 6'0" tall, slim and muscular build, in his mid to late 20s, wearing a hat and a heavy jacket. § 87(2)(b) described the second officer as a Black male with short hair, 5'10", slim build, in his mid to late 20s, light-skinned, in plainclothes. § 87(2)(b) and § 87(2)(b) tried to walk past these officers, at which point officers said to § 87(2)(b) and § 87(2)(b) "Where are you going? What do you have on you?" § 87(2)(b) told the officers that § 87(2)(b) had told them that they could leave. The officers then allegedly said, "You're not going nowhere." After approximately two to three minutes of waiting, § 87(2)(b) told the officers that they were free to go.

§ 87(2)(b) said that, when officers arrived at the location when he called 911, that two officers responded to the location. § 87(2)(b) described the first officer as a white male, 5'11", medium build, in a navy-blue uniform and described the second officer as a Black male, 6'1", medium build, in a navy-blue uniform. § 87(2)(b) said that no officers ever used any physical force against any of the four individuals, and never patted down and searched any of the four individuals.

There exists no NYPD documentation that corroborates the testimonies of § 87(2)(b) Mr. § 87(2)(b) and § 87(2)(b) Warrant audit results for § 87(2)(b) § 87(2)(b) and § 87(2)(b) between January 15, 2020 and February 27, 2020 returned several results, but none of the officers who conducted the warrant audits matched the descriptions of the officers described by the civilians in this incident (BR 11). The stop log for the 110th Precinct revealed no stop reports prepared in the vicinity of 102-15 Corona Avenue between January 15, 2020 and February 27, 2020 (BR 12).

As discussed above, EVENT documents yielded only one result which corresponded with the date and time described by § 87(2)(b) and § 87(2)(b) – nighttime in January or February of 2020. The responding officer, PO Gayle, testified that he never went inside the basement apartment of 102-15 Corona Avenue during his response to § 87(2)(b)'s 911 call on January 23, 2020 and only interacted with § 87(2)(b) and Calvin while on-scene.

While PO Gayle and PO Brown responded to the incident location, neither of them matched physical descriptions of the officers described by the civilians. PO Gayle was listed as a black male, standing at 6'1" and 220 pounds with short black hair (BR 13). PO Gayle was 43 years old and worked a uniformed assignment on January 23, 2020. PO Brown was listed as a black male, standing at 6'2" and 256 pounds and appeared to be bald in his MOS photo (BR 14). PO Brown was 40 years old and worked a uniformed assignment on January 23, 2020. As such, the investigation ruled out both PO Gayle and PO Brown as potential subject officers for these allegations.

PO Loccisano testified that he never responded to the basement apartment of § 87(2)(b) in a police capacity or in the manner alleged above.

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) is a party (BR 15).
- This is the first complaint to which § 87(2)(b) is a party (BR 16).

- This is the first complaint to which § 87(2)(b) is a party (BR 17).
- PO Loccisano has been a member of service for five years and was named as a subject in one complaint and one allegation, which was not substantiated. § 87(2)(b), § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- As of September 16, 2020, the New York City Office of the Comptroller had no record of a Notice of Claim being filed regarding this incident (BR 18).
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)

Squad No.: 14

Investigator:	<u>Ethan C. Waterman</u> Signature	<u>Inv. Ethan Waterman</u> Print Title & Name	<u>May 25, 2021</u> Date
Squad Leader:	<u>Cassandra Fenkel</u> Signature	<u>IM Cassandra Fenkel</u> Print Title & Name	<u>May 10, 2021</u> Date
Reviewer:	 Signature	 Print Title & Name	 Date